

Assembly Bill No. 2148

Passed the Assembly August 31, 2006

Chief Clerk of the Assembly

Passed the Senate August 30, 2006

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2006, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Article 8.5 (commencing with Section 17075.50) to Chapter 12.5 of Part 10 of the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2148, McCarthy. School facilities: supplemental funding: project management assistance.

Existing law, the Leroy F. Greene School Facilities Act of 1998, requires the State Allocation Board to allocate to applicant school districts, prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition.

This bill would authorize a school district with an average daily attendance of 2,500 or fewer in the prior year to request supplemental funding assistance from the board in order to manage new construction or modernization projects approved by the board after January 1, 2007. The bill would authorize a school district with an approved request to contract with a county office of education, an architect, a general contractor, or a construction manager, except as provided, to provide the management services and would specify what the management services may include. The bill would require the board to adopt regulations to establish the supplemental allowances, which would be prohibited from exceeding 5% of a specified amount.

The people of the State of California do enact as follows:

SECTION 1. Article 8.5 (commencing with Section 17075.50) is added to Chapter 12.5 of Part 10 of the Education Code, to read:

Article 8.5. Project Management Assistance For School
Districts

17075.50. A school district with an average daily attendance of 2,500 or fewer in the prior year may request supplemental funding assistance from the board in order to manage new construction or modernization projects of the school district that are approved by the board pursuant to this chapter after January 1, 2007.

17075.52. (a) An eligible school district whose request has been approved by the board may contract with a county office of education, an architect, a general contractor, or a construction manager to provide the management services authorized by this article. The management services shall be for the purpose of providing assistance to the school district in the management of new construction or modernization projects approved by the board after January 1, 2007.

(b) The management services that a school district may contract for under an approved request include any of the following:

(1) Assistance in the selection of providers of services, including, but not limited to, any of the following:

- (A) A design professional.
- (B) A general contractor.
- (C) A state-approved inspector.
- (D) A construction manager.

(2) Management services, including, but not limited to, any of the following:

(A) Preconstruction services, including cost estimating, scheduling, prequalification of bidders, and review of bid documents.

(B) Bid phase services, including coordination of the preparation and placement of notices and advertisements, receipt and analysis of bids, conducting pre-bid conferences and making recommendations for award of contracts.

(C) Construction phase services, including administration of construction contracts, schedules, change orders and progress payments, and direct monitoring of construction progress.

(D) Closeout and postconstruction assistance with commissioning and occupancy, assembly of record documentation, postconstruction audits or warranty requirements.

(c) If an approved school district chooses to contract on a project with a third party for the management services, specified in paragraph (1) or (2) of subdivision (b), the third party shall not perform any of the following services on the same project:

- (1) Design professional.
- (2) General contractor.
- (3) State-approved inspector.
- (4) Subcontractor.

17075.54. The board shall adopt regulations establishing the appropriate supplemental allowance for purposes of this article, which shall not exceed 5 percent of the total new construction or modernization state grant plus the required contribution amount from local funds.

Approved _____, 2006

Governor